In the High Court of Uttaranchal, at Nainital.

Special Appeal No. 30/2006.

U.P. State Road Transport
Corporation, now known as Uttaranchal,
Transport Corporation through its,
Managing Director, Dehradun ... Appellant.

Versus

Naresh Pal Singh S/o Babu Ram
R/o Ramnagar, Purvi Gauntia,
Bareilly (U.P.) ...Respondent.

Sri A.N. Sharma, learned counsel for the appellant.
Sri S.S. Yadav, learned counsel for the respondent.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 21-06-2006

By way of this Special Appeal, the judgment and order dated 18-4-2006, passed by learned Single Judge of this Court in W.P. No. 1407/(S/S) of 2003, has been challenged.

2- Brief facts of the case are that the petitioner was appointed on the post of Driver in U.P. State Road Transport Corporation on adhoc basis in the year 1992 and he was regularized in the year 1994.He was terminated from service on 11.5.2002 on the ground that at the time of submitting his application for appointment in the Department he produced fake licence. The petitioner preferred an appeal against the termination order which was dismissed by the Appellate Authority, the General Manager, U.P.

S.R.T.C. on 2.4.2002. Against the order of dismissal in appeal, the petitioner filed revision before the Chairman U.P.S.R.T.C. on 30-8-2003 and the same was also rejected the same day.

3- Being aggrieved by his termination order, the petitioner has filed the writ petition before the learned Single Judge of this Court. In the writ petition the petitioner has alleged that in the year 1992 at the time of adhoc appointment, the petitioner produced two driving licences and during the enquiry the respondents authorities found that driving licence No. 7267 was correct but the another driving licence No. 1661 was not correct and only due to this allegation the petitioner was terminated but even thereafter also he was continuously working on the post of driver in the U.P.S.R.T.C. It was also alleged that the work and conduct of the petitioner has always been good. The petitioner also alleged that the respondents have reinstated on Pavan Kumar, who was also terminated from his services on the post of Driver on the basis of validity of driving licence.

4- The appellant/respondents filed counter affidavit before the learned Single Judge and pleaded that at the time of submission of application for appointment in the corporation the petitioner filed Driving licence No. 1661-K-86. During enquiry the said driving licence was sent for verification and R.T.O. Haldwani has reported that the licence is fake and fabricated and after issuing so cause notice to the petitioner his services were terminated.

5- The learned Single Judge having perused the record and hearing learned counsel for the parties, has

set aside the dismissal order of the petitioner and directed for his reinstatement. The learned Single Judge also held that withholding of three increments of the petitioner with cumulative effect and a censor entry will meet the ends of justice.

6- Feeling aggrieved by the judgment and order of the learned Single Judge, the U.P.S.R.T.C. has filed the present special appeal.

7- We have heard the learned counsel for the parties and perused the record.

8- Record reveals that the respondent is at present having a valid driving licence and till the date of his termination from services, there was no complaint that the respondent was ever disqualified, rather he has been driving the vehicle efficiently and diligently.

9- There is no complaint also with regard to the inefficiency or incompetence of the respondent in driving the vehicle in any manner. The respondent has also never been found negligent in his official duties in a long tenure of 14 years as a driver.

10- In view of the aforesaid circumstances, the punishment of dismissal from the service awarded to the respondent appears to be too harsh.

11- The learned Single Judge has also rightly observed that the punishment of dismissal from service is too harsh and instead of the dismissal from service the punishment of withholding three increments with cumulative effect and censor entry would meet the end of justice.

12- We therefore, do not find any infirmity in the impugned judgment and order dated 18.04.2006 passed by the learned Single Judge of this Court. The learned Single Judge had also rightly directed the appellants/respondents to reinstate the respondent/petitioner in service forthwith.

13- The special appeal lacks merit and is liable to be dismissed.

14- Accordingly the special appeal is dismissed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Aswal